IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1716 of 2004

with

SPECIAL CIVIL APPLICATION NOs. 2479 of 2004 to 2491 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE D.K.TRIVEDI
and
HON'BLE MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PRATAPBHAI DESAIBHAI VASAVA

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 1716 of 2004

MR. GIRISH PATEL, LD. SR. COUNSEL WITH MR. JOY MATHEW for Petitioner No. 1-13
MR. HASURKAR, AGP, for Respondent No. 1-3
MR. S.B. VAKIL, LD. SR. COUNSEL WITH MR. AS VAKIL for Respondent No. 4

2. Special Civil Application Nos. 2479 of 2004 to 2491 of 2004

MR. GIRISH PATEL, LD. SR. COUNSEL WITH MR. JOY MATHEW for the petitioner
MR. HASURKAR, AGP, for respondent Nos. 1 to 3
MR. S.B. VAKIL, LD. SR. COUNSEL WITH MR. A.S. VAKIL for respondent No. 4

CORAM : HON'BLE MR.JUSTICE D.K.TRIVEDI
and
HON'BLE MR.JUSTICE K.M.MEHTA

Date of decision: 21/07/2004

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE K.M.MEHTA)

Pratapbhai Desaibhai Vasava and others, petitioners, have filed this petition challenging the action of respondent No.3, Mamlatdar, seeking to displace the petitioners from their current settlement in village Maljipura as violative of Articles 14, 19 and 21 of the Constitution of India. The said petition i.e. Special Civil Application No. 1716 of 2004 is filed on 28.1.2004. We have heard Mr. Girish Patel, learned sr. counsel with Mr. Joy Mathew, learned advocate for the petitioners. We have also heard Mr. S.B. Vakil, learned sr. counsel with Mr. A.S. Vakil, learned advocate for respondent No. 4 and also Mr. S.P. Hasurkar, learned A.G.P. for respondent Nos. 1 to 3. Mr. Hasurkar, learned AGP, has produced an order dated 14.7.2004 passed by the Mamlatdar, Jhagadia, in case of one of the petitioners. The same is taken on record.

It may be noted that there are in all 13 petitioners who had originally filed Special Civil Application No. 1716 of 2004. However, when the aforesaid matter reached hearing before this Court on 10.2.2004, the learned sr. counsel for the petitioners Mr. Girish Patel assured the Division Bench that one page petition highlighting the peculiar facts and special circumstances obtainable to individual tribal shall be filed within two weeks. In view of the same, subsequent petitions, namely, Special Civil Application Nos. 2479 of 2004 to 2491 of 2004 have been filed by individual petitioners.

In our view, these petitions require to be rejected and the same are rejected. Notice is discharged. No order as to costs. Reasons to follow. The orders of status quo passed by this Court on 10.2.2004 and 22.3.2004 stand vacated.

(D.K. TRIVEDI, J)

(K.M. MEHTA, J)

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